

REMARKS

In the Office Action mailed April 25, 2006 claims 1-24 are withdrawn and claims 25-36 are pending and stand rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action.

Claims 25, 26, 29-31, and 33-36 have been amended. Claim 28 have been cancelled. No new matter has been added. As such, claims 25-27 and 29-36 remain pending. All the pending claims at issue are believed to be patentable over the cited references. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

Claim 25 is amended to clarify the invention. Support for the amendment is to be found at least in paragraph 28 of the specification. Claims 26, 29-31 and 33-36 are amended to clarify claim dependencies.

CLAIM REJECTIONS – 35 U.S.C. §102(b)

The Examiner rejected claim 25 under 35 U.S.C. §102(b) as being anticipated by Weng (U.S. Patent No. 5,702,632). Applicant respectfully disagrees and traverses this rejection. Without conceding the propriety of the rejection, claim 25 has been amended. Support for the amendment is to be found at least in paragraph 28 of the specification.

Weng discloses a refrigeration heat exchanger section useful in circulating a substantially non-CFC refrigerant mixture which comprises: a compressor means, an auxiliary condenser, a first condenser, a second condenser, a third condenser, a sub-cooler and a liquid/gas separator. (See Abstract.) Furthermore, Weng discloses a refrigerant mixture with 1-chloro-1,1-

difluoroethane (R142b), 1,1,1,2-tetrafluoroethane (R134a), a trifluoromethane (R23), a carbon tetrafluoride (R14), and argon (R740). (See claim 1). In addition, Weng discloses the mixture having: 25.5% of R142b, 23.2% of R134a, 12.8% of R23, 23.7% of R14, and 14.8% of R740. (See col. 3, lines 61-63).

For anticipation under 35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or implicitly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02).

It is respectfully submitted that Weng does not teach or suggest, *inter alia*, a non-chlorofluorocarbon refrigerant mixture having at least, “R14, wherein R14 is present in an amount about 18.2% by volume of the mixture,” as recited in claim 25.

Accordingly, because Weng does not disclose every element recited in claim 25, the claim is not anticipated by Weng. Applicant therefore respectfully requests that the rejection under 35 U.S.C. §102(b) be withdrawn.

CLAIM REJECTIONS – 35 U.S.C. §103(a)

The Examiner rejected claims 26-36 under 35 U.S.C. §103(a) as being unpatentable over Weng in view of Backman (U.S. Patent No. 6,694,757). Applicant respectfully traverses this rejection. Without conceding the propriety of the rejection, claim 28 has been cancelled. Claims 26, 29-31 and 33-36 are amended to clarify claim dependencies.

In order for a §103 rejection to be proper, each element of the claim invention must be taught or suggested in the combination of the references. For the reasons discussed above in connection with the §102 rejection to independent claim 25, from which claims 26, 27, and 29-36 depend, Weng fails to teach at least the percentage by volume of R14. Assuming, *arguendo*,

that the combination of Weng and Backman is proper, such combination would not overcome Weng's deficiency because neither Weng nor Backman teaches the specific percentage by volume of R14. For at least this reason, Applicant respectfully submits that claims 26, 27, and 29-36 are patentable over the combination of Weng and Backman and requests that this §103 rejection be withdrawn.

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests that all the objections and rejections be withdrawn and that the application be allowed. If, for any reason, the Examiner disagrees, please call Applicant's undersigned representative at 202-861-1683 in an effort to resolve any matter still outstanding before issuing another action. Applicant's representative is confident that any issue which might remain can readily be worked out by telephone.

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to our Docket No. 87334.5880.

Respectfully submitted,
BAKER & HOSTETLER LLP



Annette K. Kwok
Reg. No. 58,278

Date: July 18, 2006
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5304
Telephone: 202-861-1500
Facsimile: 202-861-1783